

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-234V

Filed: May 31, 2016

Unpublished

MEGHAN LEE STAPLETON,

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Petitioner,

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v.

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Timothy P. Clancy, Stauffer & Nathan, P.C., Tulsa, OK, for petitioner.

Julia W. McInerney, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On February 17, 2016, Meghan Lee Stapleton (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”).³ Petitioner alleges that she received a seasonal influenza (“flu”) vaccine in her left shoulder on October 26, 2011, and subsequently suffered a shoulder injury related to vaccine administration (“SIRVA”) as a result. See *generally* Petition at 1-4. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On May 27, 2016, respondent filed her Rule 4(c) Report in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

³ Petitioner filed a civil action on October 21, 2013, which was dismissed on May 19, 2015, and timely filed in this Court consistent with § 11(a)(2)(B).

at 2. Specifically, respondent “believes that the alleged injury is consistent with SIRVA, and that it was caused in fact by the flu vaccine petitioner received on October 26, 2011.” *Id.* at 8. Respondent further stated that she “did not identify any other causes for petitioner’s SIRVA,” and that based on the medical records, petitioner has “suffer[ed] the condition for more than six months.” *Id.* “Therefore, based on the record as it now stands, petitioner has satisfied all prerequisites for compensation under the Act.” *Id.*

In view of respondent’s concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master